

DOCKET NO: 247383US55CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KLAUS WILDENHAIN, ET AL. : EXAMINER: HORTON, Y.
SERIAL NO: 10/072,002 :
FILED: FEBRUARY 12, 2002 : GROUP ART UNIT: 3635
FOR: FIXING FOR COMPOSITE :
GLAZING :

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action mailed May 7, 2004, Applicants respectfully request reconsideration of the application, in light of the remarks that follow.

Claims 1-35 are presently active in this case. The Examiner has allowed claims 20-30, 32, and 35. The Office Action of May 7, 2004, stated that claims 3, 6, 8-11, 13, 33 & 34 would likewise be allowed if written in independent form. The remaining claims 1, 2, 4, 5, 7, 12, 14-19, and 31 were rejected based on U.S. Patent No. 6,442,911 to Elmer et al. ('911 patent). All of these claims were rejected under 35 U.S.C. 102(b), except claims 12 and 14, which were rejected under 35 U.S.C. 103(a).

Applicants respectfully traverse the rejection of the above claims on the grounds that the '911 patent cannot serve as 102(b) or 103(a) prior art against this application. This application is a continuation of a PCT application filed August 4, 2000. The '911 patent issued on September 3, 2002, from a continuation of a PCT application filed on January 3, 2000, which in turn relied upon a German priority application filed April 6, 1999. As

indicated on the attached German and PCT patent database printouts, the '911 patent's German priority application published on November 16, 2000, and the '911 patent's PCT application published on October 12, 2000. Accordingly it appears that neither the '911 patent nor any of its predecessor applications even published before this application's parent's August 4, 2000 filing date. (Therefore, neither the '911 patent's PCT publication nor its German priority application published more than one year before this parent application's August 4, 2000 filing date). Because the '911 patent relies on a PCT filing date that is prior to the effective date of the American Inventors Protection Act, the 102(e) date of the '911 patent is identical to its December 5, 2000 U.S. filing date (which again is after our parent application's August 4, 2000 filing date). Accordingly, the '911 patent also cannot serve as 102(e) prior art against our application, and Applicants may rely upon their application's parent PCT filing date of August 4, 2000. Accordingly the '911 patent should not constitute prior art against this application under sections 102 or 103. Since Applicants can overcome the '911 patent by relying upon their parent application's August 4, 2000 filing date, it is presently not necessary to perfect their claim of foreign priority by submitting to the U.S. Patent Office an English translation of their German priority application filed August 12, 1999.

In view of the foregoing remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

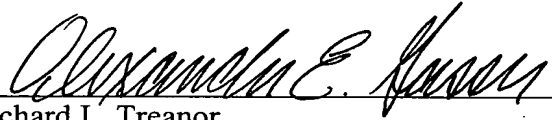
Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Finally, Applicants recently become aware of the March 11, 2004 notice, which declined the Revocation and New Appointment of Power of Attorney filed February 18,

2004. On August 9, 2004, the undersigned contacted Madams McBride and Johnson of Technology Center 3600, and confirmed that the Revocation papers filed February 18th were sufficient and that the notice dated March 11, 2004 was issued in error. Ms. Johnson represented that a notice accepting the Revocation and New Appointment of Power of Attorney filed February 18, 2004 would be forthcoming.

Respectfully submitted,

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Docket No.: 247383US55CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/072,002
Applicants: Klaus WILDENHAIN, et al.
Filing Date: February 12, 2002
For: FIXING FOR COMPOSITE GLAZING
Group Art Unit: 3635
Examiner: Horton, Yvonne Michele

SIR:

Attached hereto for filing are the following papers:

**Request for Reconsideration
Attachments (2)**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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⑬ BUNDESREPUBLIK
DEUTSCHLAND



DEUTSCHES
PATENT- UND
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⑫ Patentschrift
⑩ DE 199 15 193 C 1

⑤ Int. Cl.⁷:
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㉑ Anmeldetag: 6. 4. 1999
㉒ Offenlegungstag: -
㉓ Veröffentlichungstag
der Patenterteilung: 16. 11. 2000

DE 199 15 193 C 1

Innerhalb von 3 Monaten nach Veröffentlichung der Erteilung kann Einspruch erhoben werden

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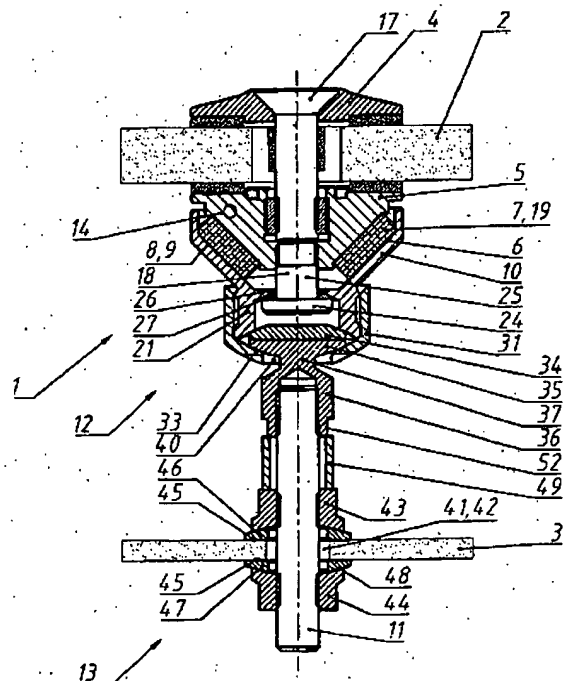
㉕ Erfinder:
Elmer, Hubert, Thaur, AT; Leitgeb, Peter, Telfes, AT

㉖ Für die Beurteilung der Patentfähigkeit in Betracht
gezogene Druckschriften:

DE 195 19 527 A1
DE 44 45 724 A1
DE 44 00 979 A1
EP 07 84 129 A1

㉗ Befestigungsvorrichtung für eine Glasplatte an einer gebäudeseitigen Halterung

㉘ Die Erfindung betrifft eine Befestigungsvorrichtung (1) für eine Glasplatte (2) an einer seitigen Halterung (3), wobei die Glasplatte (2) zwischen zwei Klemmelementen (4) und (5) gehalten ist. Die Erfindung richtet sich darauf, daß an dem innenseitigen Klemmelement (5) mit einstellbarer Vorspannung eine Überwurflocke (10) abgestützt ist, wobei zwischen der Überwurflocke (10) und dem innenseitigen Klemmelement (5) ein dauerelastisches Federglied (7) angeordnet ist, welches eine Relativbewegung der Überwurflocke (10) gegenüber dem Klemmelement (5) zuläßt. Ferner richtet sich die Erfindung auf die Ausbildung mehrerer Raumbelenke (12) und (13) zwischen der Glasplatte (2) und der gebäudeseitigen Halterung (4).



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PCT

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Internationales Büro



INTERNATIONALE ANMELDUNG VERÖFFENTLICHT NACH DEM VERTRAG ÜBER DIE
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(81) Bestimmungsstaaten: AU, CA, CN, CZ, HU, IL, JP, MX, PL,
SG, SK, US, europäisches Patent (AT, BE, CH, CY, DE,
DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).

Veröffentlicht
Mit internationalem Recherchenbericht.

(54) Title: DEVICE FOR FIXING A GLASS PANEL TO A SUPPORT AT THE SIDE OF A BUILDING

(54) Bezeichnung: BEFESTIGUNGSVORRICHTUNG FÜR EINE GLASPLATTE AN EINER GEBÄUDESEITIGEN HALTERUNG

(57) Abstract

The invention relates to a device (1) for fixing a glass panel (2) to a support (3) at the side of a building. The glass panel (2) is held between two clamping elements (4 and 5). According to the invention, a coupling bowl (10) is supported on the internal clamping element (5) with adjustable pretension. A permanently elastic spring element (7) is positioned between the coupling bowl (10) and the internal clamping element (5) which permits a relative movement of the coupling bowl (10) in relation to the clamping element (5). In addition, the invention aims to provide several spatial joints (12 and 13) between the glass panel (2) and the support (4) at the side of the building.

(57) Zusammenfassung

Die Erfindung betrifft eine Befestigungsvorrichtung (1) für eine Glasplatte (2) an einer seitigen Halterung (3), wobei die Glasplatte (2) zwischen zwei Klemmelementen (4 und 5) gehalten ist. Die Erfindung richtet sich darauf, dass an dem innenseitigen Klemmelement (5) mit einstellbarer Vorspannung eine Überwurflocke (10) abgestützt ist, wobei zwischen der Überwurflocke (10) und dem innenseitigen Klemmelement (5) ein dauerelastisches Federglied (7) angeordnet ist, welches eine Relativbewegung der Überwurflocke (10) gegenüber dem Klemmelement (5) zulässt. Ferner richtet sich die Erfindung auf die Ausbildung mehrerer Raumgelenke (12 und 13) zwischen der Glasplatte (2) und der gebäudeseitigen Halterung (4).

